

REMARKS

The Office Action dated September 10, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claim 1 is amended to more particularly point out and distinctly claim the subject matter of the present invention. Support for the amendment is found at least in paragraphs [0037] – [0041] of the present specification. No new matter is added. Applicants gratefully acknowledge the indication that claims 13-15 are allowed. Claims 1-12, 16 and 17 are respectfully submitted for consideration.

The Office Action rejected claims 1-8 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,643,287 to Callon et al. (Callon). Applicants respectfully submit that Callon fails to disclose or suggest all of the features recited in any of the above claims.

Claim 1, from which claims 2-4 depend, is directed to a method of distributing data across a network. A distribution device configured to distribute packets of data across a set of equal-cost paths in the network is provided. A determination is made as to whether a set of equal-cost paths exist. The packets are distributed across the paths based on at least one attribute of each of the packets. A pointer portion from a first set of instructions is used to select a second set of instructions from a second compilation of sets of instructions. The first set of instructions includes a first value that specifies how much weight is to be given to each equal-cost path in the set of equal-cost paths.

Claim 5, from which claims 6-12 depend, is directed to a method of distributing data across a network. A distribution device configured to distribute a set of packets of data across a set of equal-cost paths in the network is provided. Each packet in the set of packets are distributed across the set of equal-cost paths according to a weighted distribution.

Applicants respectfully submit that each of the above claims recites features that are neither disclosed nor suggested in Callon.

Callon is directed to forwarding encapsulated data packets on a network having multiple links between nodes. Callon describes attaching an encapsulating header to a packet to be transferred across the public network from a source node to a destination node. A logical operation is performed to select one of a plurality of paths to forward the packet.

Regarding claim 1, Applicants respectfully submit that Callon fails to disclose or suggest at least the features of “a pointer portion from a first set of instructions is used to select a second set of instructions from a second compilation of sets of instructions, and the first set of instructions includes a first value that specifies how much weight is to be given to each equal-cost path in the set of equal-cost paths, as recited in claim 1. More specifically, Applicants submit that Callon is silent with regards to a first, and a second set of instructions.

Further, Applicants respectfully submit that Callon fails to disclose or suggest at least the feature of distributing the across the set of equal-cost paths according to a

weighted distribution as recited in claims 1, and 5. More specifically, Applicants submit that Callon is silent with regards to “weighted distribution.” Callon merely describes using tradeoffs between taking minimum distance path and using lightly loaded links.

Applicants submit that because claims 2-4 and 5-8 depend from claims 1 and 5, these claims are allowable at least for the same reasons as claims 1 and 5, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Callon fails to disclose or suggest all of the features recited in claims 1-8. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claim 12 under 35 U.S.C. 103(a) as being obvious over Callon, in view of US Patent No. 7,243,258 to Ichinohe et al. (Ichinohe). The Office Action took the position that Callon disclosed all of the features of these claims except updating a compilation is sets of instructions used to perform the weighted distribution based on a best-fit algorithm. The Office Action asserted that Ichinohe disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Applicants submit that Callon is deficient at least for the reasons discussed above, and Ichinohe fails to cure these deficiencies.

Ichinohe is directed to rerouting packets after failure. When a failure occurs and a route between one of a plurality of first ports cannot transmit and a plurality of networks is detected the plurality of ports is disabled. A second plurality of ports is then connected

to the first ports through a plurality of networks. However, Applicants respectfully submit that Ichinohe is silent with regards to distributing the packet across the set of equal-cost paths according to a weighted distribution as recited in claim 5. Thus, Ichinohe fails to cure the significant deficiencies of Callon.

Based at least on the above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claim 12. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 16 and 17 under 35 U.S.C. 103(a) as being obvious over Ichinohe, in view of Callon. The Office Action took the position that Ichinohe disclosed all of the features of these claims except interface means operably connected to equal-cost paths according to a weighted distribution. The Office Action asserted that Callon disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in claims 16 and 17. More specifically, Applicant submits that Callon fails to cure the admitted deficiencies of Ichinohe.

Claim 16, from which claim 17 depends, is directed to a device for distributing Internet protocol packets across a network. A set of interface means interfaces the device with the network. A distribution means distributes a set of packets entering the device through a first interface means in the set of interface means. Packets in the set of packets are distributed across all interface means in the set of interface means operably connected to equal-cost paths according to a weighted distribution.

As discussed above, the Office Action relied on Callon to disclose an interface means operably connected to equal-cost paths according to a weighted distribution. However, Applicants submit, as discussed above in the rejection of claim 5, that Callon is silent with regards to “weighted distribution.” Thus, Callon fails to cure the admitted deficiencies of Ichinohe. Applicants further submit that because claim 17 depends from claim 16, claim 17 is allowable at least for the same reasons as claim 16, as well as for the additional features recited in claim 17.

Based at least on the above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claims 16 and 17. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action objected to claims 9-11 for being dependent from a rejected base claim. Applicants gratefully acknowledge the indication that these claims would be allowable if rewritten into independent form. However, Applicants respectfully submit that because these claims depend from claim 5, claims 9-11 are allowable in their present form at least for the same reasons discussed above regarding claim 5. Accordingly, withdrawal of the objection to claims 9-11 is respectfully requested.

Applicants respectfully submit that each of claims 1-17 is in condition for allowance. Accordingly, it is respectfully requested that each of claims 1-17 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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